

REMARKS/ARGUMENTS

In the Office Action mailed February 3, 2011, claims 11-31 have been withdrawn from consideration and claims 1-4, 6-10, 32 and 33 stand rejected by the Examiner. As indicated by the Listing of Claims, claims 1-4 have been amended. Claims 6-9 are cancelled without prejudice. New claim 34 have been added. Support for the aforementioned amendments can be found in the specification as originally filed. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

CLAIM OBJECTIONS

Claim 1 is objected to because of informalities. Claims 2-4, 6-10, 32 and 33 are object to for being dependent upon an objected base claim. The Amendments made to claim 1 are believed to cure the informalities of claim 1. Therefore, the Applicant requests that the objections to claim 1 and it dependent claims be removed.

CLAIM REJECTIONS – 35 USC § 112

Claims 2-4 and 6-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection.

Without conceding the propriety of the rejection, Applicant submits that the amendments to claims 1-4 and the cancellation of claims 6-9 overcome the rejection or make this rejection moot.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

CLAIM REJECTIONS – 35 USC § 103

Claims 1-4, 6-10, 32 and 33 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Hinson (US Patent 5,322,350 A) in view of Helmer (US Patent 5,170,968 A). Applicants respectfully traverse this rejection.

One of ordinary skill in the art would not combine the teachings of Hinson with the teachings of Helmer to achieve the claimed invention. For example, Hinson is directed to a truck having a cargo compartment with a semi-circular cross section for loading, e.g. pallets to the cargo compartment. Hinson describes installing a cargo deck which comprises four modules as shown in FIG. 6 of Hinson. The Applicant believes that it is very questionable as to whether a person of ordinary skill in the art faced with the problem designing a cargo compartment for an aircraft would look to the art of overland cargo vehicles such as a truck. For example there are different considerations such as weight, pressurization cycles and a myriad of other differences and considerations when considering truck design verses aircraft design. Therefore, the Applicant asserts that subject matter of claim 1 is patentable over Hinson and Helmer as one of ordinary skilled in the art would not have combined Hinson with Helmer.

In addition, the Applicants state that the cited references do not teach, suggest or otherwise render obvious all of the claimed features. For example, claim 1 has been amended to recite, *inter alia*, that “transverse beams” of the floor modules “extend across a width of said aircraft” and have ends that rest “on an upper surface of longitudinal profiles” attached to the outer skin of the aircraft. Amended claim 1 moreover recites that a “peripheral profile [of the plurality of profile elements on an upper surface of the floor modules that provide a mount for

transport rollers/latches] is connected to said outer skin [of the aircraft] by means of a plurality of intermediate elements such that forces in said longitudinal direction of the aircraft are transferred” to said outer skin, whereas forces perpendicular “thereto” are only very slightly [transferred] to said outer skin”.

On page 5 of the office action the Examiner admits that Hinson does not teach a cargo system for an aircraft. In an effort to cure this insufficiency the office action relies on Helmner.

The Office Action at page 5 has equated the slide plate 143 of Helmner with the floor module recited in claim 1. As is taught in col. 15, lines 31-32, slide plate 143 bridges the floor 14 of an aircraft fuselage 1. As is readily visible from Fig. 21 of Helmner, slide plate 143 is fixedly connected to floor 14 by means of support rail 153 and a retaining bolt 149.

Having regard for the above disclosure of Helmner, it is not apparent how Helmner can be interpreted as teaching or suggesting the aforementioned feature of claim 1 wherein a peripheral profile of a floor module is connected to the outer skin of an aircraft via intermediate elements such that longitudinal forces are transferred and forces perpendicular thereto are only very slightly transferred.

Helmner likewise fails to teach or suggest the feature of claim 1 “wherein each of the floor modules comprises a plurality of profile elements that extend in a longitudinal direction of said aircraft along a respective upper surface of at least one of said floor modules.” To the contrary, the slide plate 143 of Helmner has a smooth upper surface devoid of any additional elements as shown in Figs. 20 and 21. As reflected by the term “slide plate” itself, this smooth upper surface allows for a belt 10 or a conveying surface 18 to slide therealong to transport goods.

As is readily visible from Fig. 4 of Bergholz, Bergholz fails to teach at least the feature of claim 1 wherein each of the floor modules comprises a plurality of transverse beams “that extend across a width of an aircraft, each end of said transverse beams resting on an upper surface” of a respective longitudinal profile attached to the outer skin of the aircraft. Rather than resting on a longitudinal profile, the ends of transverse floor plate 12 are connected to braces 19 to transfer forces only in a cross direction (cf. col.5, lines 22-23).

Fenner *et al.* does not bridge the gap between the teachings of Helmner / Bergholz and the subject matter claim 1 and Applicant respectfully submits that the subject matter claim 1 is not only novel, but also non-obvious over the prior art of record.

Therefore the Applicant requests that the rejections of claim 1 and its dependent claims under 35 U.S.C. § 103 be removed.

With respect to now independent claim 2, the Applicant respectfully asserts that the cited references do not teach suggest or otherwise render the references obvious, because the references do not teach or suggest all of the features set forth in the claims nor do they show reasons why one of ordinary skill in the art would find the differences between the prior art and the claims to be obvious. For example, in independent claim 2 recites, an aircraft including among other things “said transverse beam having at least one supporting foot configured and adapted to be fastened to the fuselage of said aircraft at a bottom region of said aircraft, the support foot being adapted to transmit vertical loads on the floor modules to the fuselage”.

On page 6 of the office action, the Examiner equates item 25 of Hinson to be the alleged foot, the Applicant respectfully disagrees. The element of Hinson referred by reference number 25 cannot be considered a supporting foot. The representing element is a reinforcement element for the cargo deck of Hinson. As can be seen in FIG. 6 of Hinson, the reinforcement element 25

does not project over the bottom part of the cargo deck and has no immediate contact with cargo compartment of Hinson. Thus the reinforcement element is by no means a foot. Further, the reinforcement element 25 of Hinson is not able to transmit vertical loads under fuselage or cargo compartments, this functionality definition of the new independent claims need to be considered when addressing the patentable of this subject matter. For at least these reasons, the applicant respectfully assert that neither Hinson or Helmer whether taken separately or in combination teach, suggest or otherwise render obvious all the features set forth in independent claim 2 and request that rejections under 35 U.S.C. § 103 of independent claim 2 be removed.

With respect to newly independent claim 3, the Applicant respectfully asserts that the cited references do not teach, suggest or otherwise render obvious all the features set forth in the claims, nor do they render obvious to one of ordinary skill in the art differences between the claims in the cited art. For example, independent claim 3 recites a combination where “at least one of said longitudinal beams and said ribs comprise at least one of bores, rapid-closure elements and similar fixation devices for attachment of the floor modules thereto.”

This feature enables the quick installation of the pre-manufactured floor modules, whereby these modules are building a support part of the cargo compartment since the floor modules are attached to either sides to the walls of the cargo compartment. None of the cited references recite a feature as quoted above.

The Applicant further points out that newly independent claim 4 recites, among other things, “said fuselage comprising multiple barrel-shaped fuselage sections.” The modules support the barrel-shaped fuselage sections, and as can be seen in Fig. 37 for

example depending on whether the supporting feet are present or not, the lower section underneath the floor modules may serve as a crash zone which can absorb forces when an airplane is exposed to vertical forces, i.e., for example, when landing without landing gear. This is particularly true in a said fixation devices are present.

Thus, the differences set forth above are not trivial but are significant improvements over the prior art. The Applicant respectfully asserts that the features in the claims set forth above are not taught or suggested or otherwise rendered obvious in any of the cited references. Therefore, the Applicant respectfully request the rejections under 35 U.S.C. § 103 of claims 1-4 be removed. The Applicant respectfully asserts that newly added claim 34 is also patentable over cited references and requests a Notice of Allowance issue in a timely matter.

CONCLUSION

Entry of the Amendment is requested. The Amendment is believed to overcome the pending rejections. No new matter is added and no new issues are believed to be raised.

Any additional fee believed necessary for the consideration of this response and to prevent abandonment of this application is hereby authorized to be charged to deposit account no. 50-2036 with regards to Docket No. 59482.21880.

In view of the foregoing remarks, Applicants respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1714 in an effort to resolve any matter still outstanding before issuing another action. The undersigned Attorney is confident that any issue which might remain can readily be worked out by telephone.

Respectfully submitted,

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Date: **June 3, 2011**
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